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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,295	08/03/2000	Jay S. Walker	96-200X	1956

22927 7590 04/25/2005

WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/632,295

EXAMINER

ART UNIT	PAPER
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3624

20050418

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

 Richard C. Weisberger
Primary Examiner
Art Unit: 3624



Art Unit: 3624

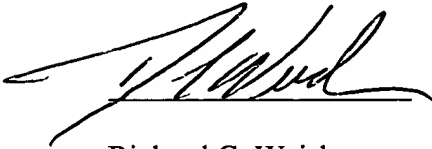
The examiner has re-opened prosecution. All pending rejections have been withdrawn.

The applicant argues that the statement that the decision to require election was based on Appellants' grouping of the claims on appeal and is therefore improper. The applicant is confusing a restriction requirement and an election of species. The requirement here is an election of species. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The reply filed on 1/14/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The applicant failed to elect a species or in the alternative admit on the record that the species are obvious variants. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3624

Respectfully,

A handwritten signature in black ink, appearing to read 'Richard C. Weisberger', written over a horizontal line.

Richard C. Weisberger

Primary Examiner

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